
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-FIELDSCR-14-00017811
)	
Victory Publishing Company, LTD.)	NOV No.: V20153250003
)	
Licensee of Station KBEY-FM)	Facility ID: 40764
)	
Burnet, Texas)	
)	

NOTICE OF VIOLATION

Released: December 5, 2014

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Victory Publishing Company, LTD., licensee of Station KBEY-FM in Burnet, Texas. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. An agent of the Enforcement Bureau's Dallas Office investigated a complaint that Station KBEY-FM was using its auxiliary transmitters to broadcast different football games in Burnet, TX and Marble Falls, TX on Friday nights. On November 20, 2014, the Dallas Office received a response to the Letter of Inquiry (LOI) released on October 30, 2014 and found the following violation(s):

- a. 47 C.F.R. § 73.1670(a): "A licensee of a broadcast station may, without further authority from the FCC, install and use with the main antenna system one or more auxiliary transmitters for the following purposes: (2) The transmission of regular programs during maintenance or modification of the main transmitter..." Victory Publishing Company, LTD admitted broadcasting at the same time two separate football games on eight Friday evenings during September – November 2014 while conducting testing and maintenance of the main transmitter. Station KBEY-FM has only one main transmitter, and its auxiliaries may only transmit one set of regular programming at a time, when the main transmitter is off the air.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Victory Publishing Company, LTD. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Victory Publishing Company, LTD., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Victory Publishing Company, LTD., with personal knowledge of the representations provided in Victory Publishing Company, LTD.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, Texas 75243

6. This Notice shall be sent to Victory Publishing Company, LTD. at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).